

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

CARL E. DUNCAN,

Plaintiff,

v.

ROBINSON, *et al.*,

Defendants.

Case No. 3:18-cv-00168-MMD-CLB

ORDER

Plaintiff Carl E. Duncan brings this case under 42 U.S.C. § 1983. Before the Court is the Report and Recommendation (ECF No. 44 (“R&R”)) of United States Magistrate Judge Carla L. Baldwin, recommending the Court grant Defendants’ motion for summary judgment (ECF No. 37). Plaintiff originally had until July 24, 2020 to file an objection to the R&R, and was later given an additional 14 days. (ECF Nos. 44, 46.) Plaintiff has not done so. For that reason, and because the Court agrees with Judge Baldwin’s analysis in the R&R, the Court will adopt the R&R in full.

The Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Where a party fails to object to a magistrate judge’s recommendation, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (“De novo review of the magistrate judges’ findings and recommendations is required if, but *only* if, one or both parties file objections to the findings and recommendations.”) (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes (1983) (providing that the Court “need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”).

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1 Because there is no objection, the Court need not conduct *de novo* review, and is
2 satisfied Judge Baldwin did not clearly err. Here, Judge Baldwin recommends granting
3 Defendants' motion for summary judgment. (ECF No. 44 (recommending the Court grant
4 ECF No. 37).) Judge Baldwin reasoned that Defendants had provided authenticated
5 evidence establishing Defendants did not have actual knowledge the toilet was
6 overflowing. (*Id.* at 9.) Plaintiff proffered no evidence to the contrary, nor did Plaintiff
7 respond to Defendants' motion for summary judgment. The Court agrees with Judge
8 Baldwin. Having reviewed the R&R and the record in this case, the Court will adopt the
9 R&R in full.

10 It is therefore ordered, adjudged, and decreed that the Report and
11 Recommendation of Magistrate Judge Carla L. Baldwin (ECF No. 44) is accepted and
12 adopted in its entirety.

13 It is further ordered that Defendants' motion for summary judgment (ECF No. 37)
14 is granted.

15 The Clerk of Court is directed to enter judgment accordingly and close this case.

16 DATED THIS 21st Day of September 2020.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE